IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 16020 of 2005

Between:

P. Mallikarjuna Rao, S/o. Venkatata Seshaiah,
R/o. Karavadi Village, Ongole Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Ongole Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus declaring the order of 2nd respondent issued in his proceedings in RCC/655/2004, dt. 22-6-2004 suspending the fair price shop dealership authorization of the petitioner and the consequential order of the 1st respondent in proceedings D.Dis.CS2/5698/2004, dt. 15-6-2005 remanding the matter and not interfering and confirming order of the 2nd respondent in respect of suspension of fair price shop dealership authorization of the petitioner as arbitrary, mala fide, illegal, improper and void, vitiated, unconstitutional and consequently set aside the same thereby enabling the petitioner to continue as permanent fair price shop dealer of Karavadi Village, Ongole Mandal, Prakasam District and and grant such other necessary reliefs as this Hon'ble Court may deem fit and proper in the

circumstances of the case.

Counsel for the Petitioner: MR.RAJANIKANTH JWALA

Counsel for the Respondent Nos. 1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

Oral order:-

The authorization of the petitioner, a fair price shop dealer of Shop No.80 of Karavadi village, Ongole mandal, Prakasam district, has been suspended, on the ground of commission of certain irregularities, by the proceedings dated 22-06-2004 of the 2nd respondent. The petitioner preferred an appeal to the 1st respondent – the Joint Collector, Ongole, which was disposed of directing expeditious conclusion of the substantive inquiry by the Revenue Divisional Officer concerned. The petitioner contends that the Revenue Divisional Officer has not concluded the inquiry, despite the first anniversary of the order of suspension having passed. The petitioner asserts that infinite suspension offends the rule of law. The point is well taken and there could be no justification for the Revenue Divisional Officer's failure to conclude the substantive inquiry against the petitioner. The show cause notice was issued on 29-10-2004 and the petitioner submitted his explanation on 15-02-2005.

In the circumstances, the writ petition is disposed of directing the 2nd respondent to conclude the substantive inquiry into the allegations made against the petitioner, expeditiously and in any event within a period of three weeks from the date of receipt of a copy of this order, after an opportunity is provided to the petitioner. The reasons accompanying the decision of the 2nd respondent on the order to be passed shall be communicated to the petitioner within the aforesaid time. No costs.

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GODA RAGHURAM, J

Dt. 22-07-2005

Pvks/*

Nb: Furnish c.c. in three days.

B/o

Pvks/*

To

1 The Joint Collector, Ongole, Prakasam District.
2 The Revenue Divisional Officer, Ongole, Prakasam District.
3 The Mandal Revenue Officer, Ongole Mandal, Prakasam District.

4 2 Ccs., to the learned Government Pleader for Civil Supplies, A.P. High Court Buildings, Hyderabad (OUT).

5 2 CD copies.

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